

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

## **SENATE CONCURRENT RESOLUTION 1013**

### **A CONCURRENT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY A 1992 INITIATIVE MEASURE DESIGNATED AS BALLOT PROPOSITION 107; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY 1991 HOUSE CONCURRENT RESOLUTION 2001 DESIGNATED AS BALLOT PROPOSITION 100; AMENDING ARTICLE V, SECTIONS 6 AND 9, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING SECTION 13; RELATING TO THE EXECUTIVE DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Article V, section 1, Constitution of Arizona, as amended by a 1992  
4 initiative measure designated as ballot proposition 107, is proposed to be  
5 amended as follows if approved by the voters and on proclamation of the  
6 Governor:

7 1. Term limits on executive department and state  
8 officers; term lengths; election; residence and  
9 office at seat of government; duties

10 Section 1. A. The executive department shall consist of  
11 the governor, ~~secretary of state~~ LIEUTENANT GOVERNOR, state  
12 treasurer, attorney general, and superintendent of public  
13 instruction, each of whom shall hold office for a term of four  
14 years beginning on the first Monday of January, 1971 next after  
15 the regular general election in 1970. No member of the  
16 executive department shall hold that office for more than two  
17 consecutive terms. This limitation on the number of terms of  
18 consecutive service shall apply to terms of office beginning on  
19 or after January 1, 1993. No member of the executive department  
20 after serving the maximum number of terms, which shall include  
21 any part of a term served, may serve in the same office until  
22 out of office for no less than one full term.

23 B. The person having a majority of the votes cast for the  
24 office voted for shall be elected. ~~If no person receives a~~  
25 ~~majority of the votes cast for the office, a second election~~  
26 ~~shall be held as prescribed by law between the persons receiving~~  
27 ~~the highest and second highest number of votes cast for the~~  
28 ~~office. The person receiving the highest number of votes at the~~  
29 ~~second election for the office is elected, but~~ If the two OR  
30 MORE persons have an equal number of votes for the office AND  
31 THE HIGHEST NUMBER OF VOTES FOR THE OFFICE, the two houses of  
32 the legislature at its next regular session shall elect  
33 forthwith, by joint ballot, one of such persons for said office.

34 C. DURING THE PRIMARY ELECTION, CANDIDATES FOR THE OFFICE  
35 OF GOVERNOR SHALL RUN FOR THAT OFFICE SEPARATELY FROM ANY  
36 CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR. ON COMPLETION  
37 OF THE PRIMARY ELECTION, EACH NOMINEE FOR THE OFFICE OF GOVERNOR  
38 SHALL RUN ON A TICKET AS A JOINT CANDIDATE IN THE GENERAL  
39 ELECTION WITH THE NOMINEE FOR THE OFFICE OF LIEUTENANT GOVERNOR  
40 FROM THE SAME POLITICAL PARTY AS THE NOMINEE FOR GOVERNOR. AT  
41 THE GENERAL ELECTION, A SINGLE VOTE FOR A NOMINEE FOR GOVERNOR  
42 SHALL CONSTITUTE A VOTE FOR THAT NOMINEE'S TICKET, INCLUDING THE  
43 NOMINEE FOR LIEUTENANT GOVERNOR. FOR ANY WINNING CANDIDATE FOR  
44 GOVERNOR AT THE GENERAL ELECTION, THAT WINNING CANDIDATE'S JOINT

1 CANDIDATE FOR LIEUTENANT GOVERNOR IS THE WINNING CANDIDATE FOR  
2 LIEUTENANT GOVERNOR.

3 ~~E.~~ D. The officers of the executive department during  
4 their terms of office shall reside at the seat of government  
5 where they shall keep their offices and the public records,  
6 books, and papers. They shall perform such duties as are  
7 prescribed by the constitution and as may be provided by law.

8 2. Article V, section 1, Constitution of Arizona, as amended by 1991  
9 house concurrent resolution 2001 designated as ballot proposition 100, is  
10 proposed to be repealed as follows if approved by the voters and on  
11 proclamation of the Governor:

12 Article V, section 1, Constitution of Arizona, as amended  
13 by 1991 house concurrent resolution 2001 designated as ballot  
14 proposition 100, relating to the executive department, is  
15 repealed.

16 3. Article V, section 6, Constitution of Arizona, is proposed to be  
17 amended as follows if approved by the voters and on proclamation of the  
18 Governor:

19 6. Death, resignation, removal or disability of  
20 governor; succession to office; impeachment.  
21 absence from state or temporary disability

22 Section 6. A. In the event of the death of the governor,  
23 or ~~his~~ THE GOVERNOR'S resignation, removal from office, or  
24 permanent disability to discharge the duties of the office, the  
25 ~~secretary of state~~ LIEUTENANT GOVERNOR, if holding by election,  
26 shall succeed to the office of governor until ~~his~~ A successor  
27 shall be elected and shall qualify. If the ~~secretary of state~~  
28 LIEUTENANT GOVERNOR be holding otherwise than by election, or  
29 shall fail to qualify as governor, the attorney general, the  
30 state treasurer, or the superintendent of public instruction,  
31 if holding by election, shall, in the order named, succeed to  
32 the office of governor UNTIL A SUCCESSOR IS ELECTED AND  
33 QUALIFIES.

34 B. The taking of the oath of office as governor by any  
35 person specified in this section shall constitute resignation  
36 from the office by virtue of the holding of which ~~he~~ THE PERSON  
37 qualifies as governor. Any successor to the office shall become  
38 governor in fact and entitled to all of the emoluments, powers  
39 and duties of governor upon taking the oath of office.

40 C. In the event of the impeachment of the governor, ~~his~~  
41 THE GOVERNOR'S absence from the state, or other temporary  
42 disability to discharge the duties of the office, the powers and  
43 duties of the office of governor shall devolve upon the same  
44 person as in case of vacancy, but only until the disability  
45 ceases.

1       4. Article V, section 9, Constitution of Arizona, is proposed to be  
2 amended as follows if approved by the voters and on proclamation of the  
3 Governor:

4               9. Powers and duties of state officers

5               Section 9. The powers and duties of ~~secretary of state~~  
6 LIEUTENANT GOVERNOR, state treasurer, ~~attorney general~~, ATTORNEY  
7 GENERAL and superintendent of public instruction shall be as  
8 prescribed by law.

9       5. Article V, Constitution of Arizona, is proposed to be amended by  
10 adding section 13 as follows if approved by the voters and on proclamation of  
11 the Governor:

12              13. Lieutenant governor assuming secretary of state  
13                   duties

14              SECTION 13. NOTWITHSTANDING ANY OTHER LAW, THE DUTIES OF  
15 THE SECRETARY OF STATE AS SPECIFICALLY PROVIDED FOR IN THIS  
16 CONSTITUTION AND AS OTHERWISE PRESCRIBED BY LAW SHALL BE ASSUMED  
17 BY THE LIEUTENANT GOVERNOR.

18              6. Applicability

19              This proposition applies and the lieutenant governor assumes the title  
20 and duties of the secretary of state beginning with the term of office that  
21 starts in 2015.

22              7. The Secretary of State shall submit this proposition to the voters  
23 at the next general election as provided by article XXI, Constitution of  
24 Arizona.

PASSED BY THE HOUSE APRIL 21, 2010.

PASSED BY THE SENATE MARCH 1, 2010.

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2010.